

Appl. No. 10/673,663

Reply Filed: October 31, 2007

Reply to Final Office Action of: January 19, 2007, in lieu of filing an Appeal Brief.

#### REMARKS

In lieu of filing an Appeal Brief, the Applicant submits this Reply to the Final Office Action of January 19, 2007, along with a Request for Continued Examination. In view of the following remarks, reconsideration is requested.

Claims 1-19 remain in this application, of which claims 1 and 11 are independent.

#### Rejection Under 35 U.S.C. §102

Claims 1, 2, 4, 6-10, of which claim 1 is independent, were rejected under 35 U.S.C. 102 in view of U.S. Patent 5,682,326 ("Klingler"). The rejection is respectfully traversed. Applicant appreciates the clarification of the rejection provided by the Final Office Action.

According to Klingler, a

"Digitizer Window may be utilized to control an external video machine to capture and digitize the source video, as well as select in and out point to define the source clips. The clips are preferably defined by a clip identifier, the in and out points for the clip . . . , and any comments relating to that clip. Once defined, the source clips . . . are then digitized."

*Klingler*, col. 6, lines 39-46. "[A]fter digitizing, the clips can be reviewed in the Monitors Window 46" in Fig. 3. *Klingler*, col. 6, lines 53-54.

According to Klingler, "[r]eference clips can be created from source clips by viewing selected portions of the source clips in the source monitor subwindow 48, selecting in and out points, and naming each of the reference clips." *Klingler*, col. 6, lines 58-63. Regarding reference clips, Klingler states at col. 7, lines 13-21:

"A reference clip does not contain the actual digitized media. Instead it contains it contains references back to the media in the source clips, including in and out points (clip beginning frame and clip ending frame), for that reference clip. It should be noted that the reference clips defined and created for a particular program do not necessarily have the same in and out points as the source clips which contain the media referenced in the reference clips."

According to Klingler, "[o]nce the reference clips have been defined and collected, a program can be created using the editing system . . ." *Klingler*, col. 7, lines 10-11. "A program is a meaningful sequence of reference clips created from the source clips." *Klingler*, col. 7, lines 11-13. "A program . . . may . . . be assembled in the Sequencer Window 70 [Fig. 5] by . . . arranging the media and/or effects in the desired sequence." *Klingler*, col. 7, lines 43-47. "The starting point and ending point of the reference clips can be changed, and/or the clips can be

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moved relative to other clips simply by clicking on and dragging the graphical representation of the clip in the sequencer time line.” *Klingler*, col. 7, lines 55-59.

Claim 1 recites, among other things, “automatically generating in the computer system a sequence of clips representing the motion picture from a description of the motion picture, wherein each clip has an initial duration defined by the description of the motion picture”. Claim 1 also recites “receiving input from a user indicating instructions to associate motion video information stored in computer data files with clips in the automatically generated sequence of clips representing the motion picture . . .”.

The Final Office Action refers to *Klingler*, col. 6, lines 38-67, as teaching the limitation of “automatically generating” because “the user . . . drags the clips onto the timeline” and the “assembling is done automatically by the computer.” See Final Office Action page 7, last line, page 8, first line. Further, the Final Office Action asserts that *Klingler* teaches a “description of the motion picture” by having a “Project Window 60 [which] comprises description of the motion picture taken”, e.g. the “Nordic Tour” shown in the figure. See Final Office Action, page 7, lines 10-12, 16-18.

The Final Office Action then refers to *Klingler*, col. 6, lines 61-62 as teaching the limitation that “each clip has an initial duration defined by the description of the motion picture.” See Final Office Action, page 2, last line. This portion of *Klingler* refers to reference clips having user-selected in and out points.

The Final Office Action refers to *Klingler*, col. 7, lines 37-59 as teaching the “receiving input from a user”. Final Office Action, page 3, lines 1-5. This portion of *Klingler* merely teaches that reference clips can be arranged in a desired sequence (lines 46-47, 56-59) and that the starting point and ending point of reference clips can be changed (lines 55-56).

Accordingly, in *Klingler*, a user generates reference clips, then drags and drops these reference clips on a timeline, from which a sequence of clips is generated in the computer.

Claim 1 is different from *Klingler*. In claim 1, a “sequence of clips” is “automatically generated”. Then “motion video information” is associated “with clips in the automatically generated sequence of clips,” based on received user input. In claim 1 it is clear that the sequence of clips is automatically generated *before* video may be associated with the clips.

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Klingler requires video to be associated with clips *prior* to those clips being placed in a meaningful sequence. Klingler does not teach allowing a user to associate video with clips already in a sequence.

In view of the foregoing, the rejection of claim 1 is traversed. The remaining claims 2, 4 and 6-10 are dependent claims and are allowable for at least the same reasons.

In addition, regarding claims 9 and 10, the Final Office Action refers to the "comment" field for a clip. Klingler neither teaches nor suggests the specifically claimed "tip for filming a shot during production" in claim 9 or "tip for editing a shot in the motion picture" in claim 10.

#### Rejection Under 35 U.S.C. §103

Claims 3, 5 and 11-19, of which claim 11 is independent, were rejected under 35 U.S.C. 103 in view of Klingler and U.S. Patent 5,568,275 ("Norton" et al). The rejection is respectfully traversed.

Klingler was discussed above. The Final Office Action indicates that Klingler fails to teach a clip that has no motion video information associated with it. See Final Office Action, page 4, lines 15-16.

The Office Action refers to column 6, lines 10-11 of Norton. According to Norton, conventional edit decision lists "are not in a form that is readily understood, as they are intended primarily to be computer instructions," and that it may be difficult to "visualize the final program or its sources." Col. 1, lines 60-62 and 66-67. To solve this problem, according to Norton, "audio and/or visual information [is provided] along with the editing instructions. . .". Col. 2, lines 23-26. The "Viewer" in Norton receives an EDL to allow each edit instruction to be augmented with audiovisual information. In particular:

"the Viewer may allow new EDL data to be received from an on-line system and stored in a VEDL document. Blank clips are included as movie placeholders for each edit instruction."

Norton therefore teaches how to *augment* an edit decision list produced by an editing system, in which each editing instruction refers to a source of video information.

The Final Office Action asserts that Norton provides a motivation for "providing a placeholder for an editing instruction." This interpretation of Norton is incorrect. Blank clips in Norton are not placeholders for editing instructions. Instead a blank clip is audiovisual data that acts as a placeholder for a movie (hence it is called a "movie placeholder" by Norton) that would

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be associated with an editing instruction. Norton's system involves augmenting editing instructions with audiovisual information. The blank clip is audiovisual data that merely augments an existing editing instruction; it acts as a placeholder for some other movie that could be associated with that editing instruction.

Referring now to claims 3 and 5, because claims 3 and 5 are dependent on claim 1, they are allowable over Klingler and Norton for at least the same reasons that claim 1 is allowable over Klingler alone.

Moreover, dependent claims 3 and 5 as amended require "displaying to the user an indication, for each clip in the automatically generated sequence of clips to which motion video information has not been associated, that the clip has no motion video information associated with the clip." Klingler fails to teach that a clip may have no motion video information associated with it; in fact, Klingler teaches that each clip necessarily has motion video information associated with it. Thus Klingler fails to teach displaying an indication that a clip has no motion video information associated with it. Even though Norton teaches a "blank clip," one would not understand from this teaching any reason to modify Klingler to display whether a clip has *no* motion video information associated with it.

Accordingly, dependent claims 3 and 5 are allowable over Klingler and Norton.

Regarding independent claim 11, arguments similar to those presented above in connection with claim 1 with respect to Klingler also apply regarding the limitations of: "automatically generating in the computer system a sequence of clips" and "associating motion video information . . . with each clip. In particular, in Klingler, a user generates reference clips, then drags and drops these reference clips on a timeline, from which a sequence of clips is generated in the computer. In claim 11, a "sequence of clips" is "automatically generated". Then "motion video information" is associated "with clips in the automatically generated sequence of clips." In claim 11 it is clear that the sequence of clips is automatically generated *before* video may be associated with the clips. Klingler requires video to be associated with clips *prior* to those clips being placed in a meaningful sequence. Klingler does not teach associating video with clips already in a sequence.

Moreover, claim 11 recites "a plan for the motion picture, wherein the plan specifies a sequence of shots, wherein each shot is specified by a shot description including a reference to a textual description of the shot and a duration of the shot, wherein at least one shot lacks a

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reference to a source of motion video information for the shot." As noted above, Klingler fails to teach that a "shot lacks a reference to a source of motion video information for the shot." In particular, Klingler *requires* each clip to be defined with reference to motion video information, which is directly contrary to the claim limitation. Norton merely permits a user to associate a blank clip as a movie placeholder associated with an edit instruction in an EDL. Norton does not teach that a shot should lack a reference to a source of motion video information for the shot.

In view of the foregoing comments, the rejection of claim 11 is traversed. The remaining claims 12-19 are dependent claims and are allowable for at least the same reasons. The rejection of claims 18 and 19 is also traversed for the same reasons provided above in connection with claims 9 and 10.

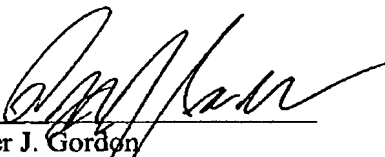
#### CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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